

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TALIA JOYCE NO RUNNER,

Defendant.

CR-15-56-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on April 10, 2019. (Doc. 68.) The United States accused Talia Joyce No Runner of violating her conditions of supervised release by: (1) communicating with a person who had been convicted of a felony without first obtaining the permission of her probation officer; (2) by failing to report for substance abuse testing on two separate occasions; (3) failing to notify her probation officer of a change in employment status; (4) failing to report for substance abuse treatment; and (5) failing to report to her probation officer as

directed. No Runner admitted to violations 2, 3, and 4. The Government did not meet its burden of proof regarding violations 1 and 6.

Judge Johnston entered Findings and Recommendations in this matter on April 11, 2019. (Doc. 71.) No Runner waived her right to object to Judge Johnston's Findings and Recommendations. *Id.* at 4. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violations prove serious and warrant revocation of No Runner's supervised release. Judge Johnston has recommended that the Court revoke No Runner's supervised release and commit No Runner to the custody of the Bureau of Prisons for a term of 5 months, followed by 24 months of supervised release. (Doc. 71 at 4.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. No Runner's violations of her conditions represent a serious breach of the Court's trust. A sentence of 5 months custody, followed by 24 months of supervised release represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 71) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Talia Joyce No Runner be sentenced to 5 months custody, followed by 24 months of supervised.

DATED this 12th day of April, 2019.



Brian Morris
United States District Court Judge